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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 TYSON KYLE SCHRANTZ,)
9 Plaintiff,)
10 v.)
11 HSBC BANK USA N.A. AS TRUSTEE FOR)
12 Nomura Asset Acceptance Corporation,)
13 Alternative Loan Trust, Series 2006-AF1,)
14 Defendant.

2:11-cv-699-RCJ-PAL

ORDER

15 Currently before the Court is Plaintiff Tyson Schrantz's Motion for Stay of Proceedings
16 (#15). The Court heard oral argument on July 15, 2011.

17 **DISCUSSION**

18 On July 5, 2011, this Court issued an order on Defendant HSBC Bank's Motion to
19 Dismiss and on Plaintiff's Motion for Stay of Proceedings. (Order (#23)). In that order, the
20 Court found that Plaintiff's complaint properly stated a claim for a statutorily defective
21 foreclosure under NRS § 107.080 because Quality Loan Service did not have the authority to
22 initiate the foreclosure process by filing a notice of default on August 12, 2009, because it had
23 not been properly substituted as the trustee. (*Id.* at 6-8).

24 In light of that order, the Court grants Plaintiff's motion to stay eviction proceedings for
25 90 days as of the date of oral argument. During that time period, the Court directs Defendant
26 to: (a) correct the statutory defect by starting the foreclosure process over, or (b) file a motion
27 for summary judgment on the notice of lis pendens issue. As stated by the Court at oral
28 argument, Defendant may file a motion for summary judgment within the 90-day stay period.

CONCLUSION

2 For the foregoing reasons, IT IS ORDERED that Plaintiff's Motion to Stay Proceedings
3 (#15) is GRANTED for 90 days.

5 DATED: This 26th day of July, 2011.


R. Jones
United States District Judge